

TOBACCO

IN-HOUSE TRAINING MANUAL

2020/10

REQUIREMENTS FOR EDUCATION

Every business must have an owner, manager, director or partner trained by the Department of Liquor and Lottery, Division of Liquor Control (DLC), either online or in-person, and be able to furnish a current unexpired training certificate for that individual validating their successful completion of the required training. No licenses or permits will be issued or renewed if this criteria is not met.

Your DLC Certified Trainer will complete this In-House training with you. All employees involved in the sale or enforcement of tobacco laws must be trained before they start working and every two years thereafter. This certification is not transferable to other businesses. If employees aren't trained properly, the business may be fined or have the license suspended.

TRAINING CERTIFICATES

Copies of training certificates for all employees must be kept on file and be available upon request. If they are not available the business may be fined or have the license suspended.

Everyone who works in the preparation, sale, service or enforcement of alcohol and tobacco laws, in a business, is required to be trained before they begin working and must be retrained every two years. Copies of training certificates must be available for inspection.

- Education Regulation



INFORMATION COVERED

- REGULATIONS & LAWS
- CONSEQUENCES
- MINORS
- ACCEPTABLE IDS



FOLLOWING THE RULES

Certain violations will result in a fine for the business or a license suspension. Businesses will be issued a ticket which they must send to the Division of Liquor Control within 10 days.

The DLC'S Office of Education created this booklet to provide the basic rules an employee would need to know to do their job. This material only trains you for this job. It does not transfer to any other business. The Office of Education provides in-person trainings and online training for those who wish to take it. Education is important, and you must be trained before you start and re-trained every two years.

Employees need to make sure there are no violations of Title 7 regulations or laws. If there are problems, they be must corrected quickly. Knowing what you should do in the case of any problem is important. How do you handle issues within your business? This booklet will provide you with the basic rules you need to know, but it is important to talk with your employer for specific company policies that are in addition to this book.

It is the DLC's Office of Compliance and Enforcement that is charged with investigating possible violations of tobacco laws and regulations, and carrying out law enforcement activities related to these incidents. Comprised of a team of law enforcement investigators and supporting staff, and working closely with other law enforcement agencies, this division protects the public safety and ensures that laws and regulations are followed.

The Department of Liquor and Lottery Control Board is made up of 5 members appointed by the Governor. They preside over all hearings and work with the legislative body to create Vermont's Regulations. This booklet contains many, but not all of the regulations and laws that you will need to know to do your job. A complete list of the Title 7 regulations are on the DLC website.

Review this booklet with your DLC trained trainer and be sure to discuss any company policies that your business has that makes it more restrictive than the laws. Watching the 2nd Class In-House Seller Training Video may be helpful to view carding and refusal skill techniques.

NOTES:

Tobacco Products:

Tobacco products are anything with tobacco in it, including, but not limited to, cigarettes, cigars, chew and pipe tobacco.

Tobacco Paraphernalia:

Items include products used to inhale or ingest tobacco including, but not limited to, rolling papers, blunt wrappers, pipes, water pipes, hookahs and bongs.

Tobacco Substitutes:

Include e-cigarettes or other electronic or battery-powered devices that deliver nicotine or other substances into the body through inhaling vapor and that have not been approved by the FDA for tobacco cessation or other medical purposes.

In order to sell any form of tobacco substitute, the store must have a Tobacco Substitute Endorsement.

TOBACCO

Customers must be at least **21** years old to purchase tobacco products, paraphernalia or tobacco substitutes. You must remember to card anyone who is of questionable age who is attempting to purchase tobacco.

If you sell any of these products to a customer who is not yet **21** years old, you will receive a \$100 fine. Subsequent penalties can be as much as \$500 in fines. The store will also receive penalties as it is a violation of law.

Not only do you need to be careful to not sell these products to minors, there are other rules about tobacco that must be followed.

A business may only display or store these products behind a sales counter or in areas not accessible to the public or in a locked container. In the case of cartons of cigarettes and multi-packs of chewing tobacco, it may be allowed to be accessed by customers, but must be in plain view of a responsible employee at all times.

No use of tobacco products is allowed inside public places. A “Vape” Shop may allow customers to sample if they do not sell food or beverages.

Cigars and pipe tobacco can be stored in a humidor on the sales counter only if in plain view of a responsible employee so that removal would be readily observed.

Vending machines, bidis and commercial rolling machines are illegal. Cigarettes cannot be sold in packs of less than 20 and must have the Vermont Tax Stamp on it. Flavored Cigarettes and rolling papers are also illegal.

Stores selling tobacco products, paraphernalia or substitutes must have posted a Tobacco Sign. That sign can be found on the DLC website.

NOTES:

WHERE IT COMES FROM

All tobacco must be purchased on invoice from a licensed tobacco wholesaler.

HOURS

Tobacco may be sold during all open for business hours.

LICENSES

The business's tobacco license (and tobacco substitute endorsement) must be displayed under a protective coating in clear view of the public. All the tobacco must be stored on the licensed premises.



EMPLOYMENT REGULATIONS

- Anyone selling tobacco must be at least 16 years of age.
- Every business that sells tobacco must have a responsible person on site at all times. All employees must be paid by the business and be able to read, write and speak English.
- No employee may be under the influence of alcohol or any other drugs or illegal substances while on duty.

BUSINESS REGULATIONS

- A business must be up to date with the Department of Health, the Tax Department, and the Department of Labor.
- If a business makes any changes to their business make up (directors, owners or partners) you must notify the DLC in writing at least 20 days prior.
- At least 2 years worth of the all business records including but not limited to payroll, receipts and invoices must be kept on site.

NOTES:



REFUSAL SKILLS

When working with customers, be sure to **TAKE CARE** of them:

T: Talk and tell early. Letting customers know what the expectations for how to behave in your business is important.

A: Alternatives: “I’m sorry, I cannot sell you this tobacco product, but would you still like to purchase the other items?” You do not need to make a big deal out of the refusal. You will need to be able to refuse to sell tobacco to a customer, but that doesn’t mean you need to refuse to sell them bread and milk.

K: Keep calm. This is your job. Dealing with difficult situations can be part of the job.

E: Elaborate the law. You have the law on your side. Know it. Use it.

C: Clarify the refusal. Let your customer know that you cannot sell to them. You will not change your mind. Be clear with the refusal.

A: Avoid putdowns and poor language. If the customer gets upset, you do not need to be upset with them. Do not swear, yell or threaten the customer. Do your job. Be professional.

R: Record and report any incidents to your employer and review with coworkers to improve how the business handles situations that arise.

E: Empathy. Your customer is a person too. Be kind. Remember that we all have bad days. This isn’t your bad day, it is theirs, and they will remember how you handled it with them.

LOG BOOKS AND INCIDENT REPORTS

It is helpful to know and follow the liquor laws so you can avoid these types of problems. It may be a good idea for employees to keep a personal log of any unusual things that may happen. If something unusual happens when you are working you should write down what happened into a notebook for you to keep. The notes should include the name and/or description of the customer and a brief write-up of what happened. The establishment is also encouraged to keep a log book.

WHAT IS QUESTIONABLE AGE ?

There is also a regulation that states that you must card anyone who is of questionable age.

That means if you think the customer looks young, you must card them.

It can be hard to tell the difference between an 17 year old and a 22 year old, but it can be an expensive mistake to make.

You are always safest to ask a customer for their ID.



SELLING TO A MINOR

Vermont law says that people must be **21** years old to purchase tobacco products, paraphernalia or tobacco substitutes.

If you sell any of these products to a customer who is not yet **21** years old, you will receive a \$100 fine. Subsequent penalties can be as much as \$500 in fines. The store will also receive penalties as it is a violation of law.

COMPLIANCE CHECKS

In Vermont, the DLC conducts compliance checks of its licensed establishments. By using minors 16 through 20 years old to attempt to purchase tobacco products, they are able to witness businesses verifying ages and refusing sales. Compliance minors will present their actual valid IDs. Refusing sales should be an easy demonstration of a business following the law

When you sell tobacco to a minor during a compliance check performed by the DLC you will get a penalty. The penalty for a first offense is a \$100 fine with subsequent offenses being up to \$500. The business also receives penalties when an employee fails a compliance check, which include mandatory retraining from the DLC.

NOTES:

ACCEPTABLE FORMS OF ID

- **Valid Photo**
Driver's License
- **Valid Photo**
Non-Driver's ID
- **Valid Photo**
Enhanced Driver's
License issued by
any State or Foreign
Jurisdictions.
- **Valid US Military ID**
(any form)
- **Valid Passport**
- **Valid Passport Card**



VERIFYING A CUSTOMER'S AGE

It is the law that you must ask for an ID if you think they are of questionable age. The ID must be a valid, photographic acceptable form of ID. If they want to purchase alcohol or tobacco, they must be able to prove that they are of age.

Compare the face in front of you to the one on the ID. Weight, hair and make-up can change. Height, eye shape and ear placement do not change.

Look at the date of birth and expiration date. Don't just glance. **LOOK!** Read them and do the math! It is illegal to sell tobacco, tobacco substitutes or tobacco paraphernalia to a minor and you could be **FINED** \$100 or more! **READ the ID!**

Watch how the customer acts when you ask for their ID. Are they nervous or unsure? When you ask them questions about the information on the ID are they confident? If their behavior makes you suspicious, refuse them.

If there is a question about the ID, call your local authorities and give them all the information on the ID. They can confirm it is valid and that all the information matches. If it is not valid or if any of the information does not match, Do **NOT** accept it!

Sometimes you will not need to make the phone call. Sometimes, simply telling the minor you are going to run their ID is enough to make them run away.

NOTES:

TOBACCO 21

**It is illegal to sell or furnish
tobacco products,
tobacco paraphernalia,
or tobacco substitutes to any
person under 21 years of age.**

VSA TITLE 7 CHAPTER 40 § 1003 - § 1006



HOW TO USE OUR ID CHECKING TOOLS

In order to help you identify fake IDs, you can purchase tools from the Division of Liquor Control. The DLC sells ID Checking Guides and UV lighted magnifiers. ID Checking guides should be replaced yearly to assure you have the most up to date information available.

Minors using borrowed IDs and high quality fakes purchased over the internet can cause big trouble to a business. If an employee isn't taking the time to look carefully at IDs, a minor could get alcohol. This is a crime. The DLC is dedicated to helping you prevent underage drinking sales which can negatively impact the business. Getting caught selling to minors can ruin a business's reputation, cause fines and penalties and increase risks for public safety.

By using these tools and by brushing up on your refusal skills, you can help prevent underage drinking sales at your business. Remember, carding customers is not only part of the job, it's the law.

The guide contains images of driver's licenses for all 50 states and the Canadian Provinces. It also includes images of Passports and Military IDs. That means you can find images of some of the acceptable forms of identification in this booklet. You will also find other forms of identification, not acceptable for alcohol and tobacco in the State of Vermont. Please remember you can only accept a Valid Photographic Driver's License, a Valid Photo Non-Driver's ID, a Valid Photo Enhanced Driver's License issued by any State or Foreign Jurisdictions, Valid US Military IDs and Valid Passports and Valid Passport Cards.

When someone hands you an out-of-State ID, open up your ID guide to that state. The sample IDs in the guide are the same size as the ID in your hand. Compare them. Read the written narrative. If there are any discrepancies, do not accept the ID and refuse the sale.

The narrative may also include any micro printing which you can use the lighted magnifier to see. In the back of the guide you will see images of the holograms you can see using your black light. Does it look the same in your hand as in the book?

MORE REGULATIONS

All employees must cooperate with law enforcement. You cannot interfere in the course of their duties and you must provide your ID if you are asked. Remember to work with them. Talk to your boss about emergency procedures, who your local law enforcement is and how and when to contact them.

Gambling is illegal on a licensed property. Only approved Lottery games may be sold at the store.

It is the responsibility of the store to control the conduct of the customers. There can be no illegal activities on the store's property. You cannot conduct your business in such a way that it is a nuisance to the community.

NOTES:

RENEWALS

All licenses and permits expire at Midnight on April 30 each year and need to be renewed.

All of the information for the corporation must be up to date.

Changes in the business need to be submitted in writing.

Licensees must be in up to date and in compliance with the Departments of Health, Labor, and Taxes as well as with the Secretary of State's office.

Contact Us

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Visit us on the web at
www.liquorcontrol.vermont.gov